

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: July 27, 2016

I. CALL MEETING TO ORDER

The meeting was called to order at 6:37 P.M.

II. ROLL CALL

Members Present: Nazih Elkallassi, Chairman
James Eacobacci, Clerk
Wilma Engerman
Jan Kendrick
Karl Baptiste (Arrived at 6:50 P.M.)
Jake Morrison, Associate Member

Members Absent: Tim Lydon
Ernie Alden

I. PRELIMINARY BUSINESS

A. Approve meeting minutes: June 8, 2016.

MOTION: Mr. Eacobacci moved to continue the signing of the minutes until August 10, 2016. Ms. Kendrick seconded.

VOTE: Unanimous (4-0-0)

II. PUBLIC HEARINGS

A. Petition #28-16 – Lisa Simmons – 2 Sixth Avenue

Present before the Board: Brian Grady, G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

Mr. Grady explained the applicant is requesting a Special Permit to demolish an existing dwelling and construct a new dwelling. The lot is non-conforming. The current dwelling is 60 years old. The new construction will be raised with a slightly larger footprint, but the project will still meet the front and side setbacks.

Brief discussion ensued.

MOTION: Mr. Morrison moved to grant a Special Permit for Petition #28-16 – Lisa Simmons – 2 Sixth Avenue to demolish an existing dwelling & construct a new dwelling w/ standard conditions. Mr. Baptiste seconded.

VOTE: (4-1-0)

B. Petition #29 -16 – Keith Amado – 312 Onset Avenue

Present before the Board: Brian Grady, G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

The applicant is requesting a Special Permit to demolish an existing dwelling and construct a new dwelling with an addition. The Special Permit is requested because it is an undersized lot. The current building will be razed and re-built in the same footprint with an addition. The setbacks are in conformance with zoning.

Brief discussion ensued.

Present before the Board: Vanessa Oliveira, Onset, MA

Ms. Oliveira stated Mr. Amado is her brother and she feels an improvement to the house will be welcome and abutters would like to see an improvement to the property as well.

MOTION: Mr. Morrison moved & Ms. Engerman seconded to grant a Special Permit for Petition #29-16 – Keith Amado – 312 Onset Avenue to demolish an existing dwelling & construct a new dwelling w/ standard conditions & the following added condition:

- **A deed restriction recorded at the Plymouth County Registry of Deeds prohibiting the separation (sub-division) of the two homes (on the lot) into separate deeds and/or lots.**

VOTE: (5-0-0)

C. Petition #30-16 – Thomas Forend – 19 Riverside Drive

Present before the Board: Bill Lockwood, Lockwood Architects.

The public hearing notice was read into the record.

The applicant is requesting a Special Permit to construct an addition and decks. The existing lot is a two- bedroom building on a 6,000 s.f. lot. The building lot coverage will remain under 25%. Mr. Elkallassi expressed concern with the proximity of the front and side setbacks. He believes the applicant will need a Variance. He recommended continuing the hearing to look into this matter.

MOTION: Mr. Eacobacci moved to continue the public hearing for Petition #30-16 – Thomas Forend – 19 Riverside Drive to August 10, 2016. Ms. Kendrick seconded.

VOTE: Unanimous (5-0-0)

D. Petition #31-16 – Patricia Moncey – Appeal decision of Building Inspector re: 41 Oak Street

Present before the Board: Robert Moore, Attorney

The public hearing notice is read into the record.

The applicant is requesting to appeal the Building Inspector's decision re: 41 Oak Street. Attorney Moore recited the previous issues involved with the project. The garage does not have a garage door at this time.

Present before the Board: Jennifer Govoni – 16 Oak Street

Ms. Govoni also does not believe the garage is intended to be used as a garage.

Present before the Board: Lefki and Dimitrios Aevazelis – 41 Oak Street

Ms. Aevazelis stated the garage was meant for storage and noted it as a garage on the plan, although it was intended strictly for storage and not as a garage. She stated there is no water, no sewer and no insulation in the structure.

Discussion ensued.

MOTION: Mr. Eacobacci moved to continue the public hearing for Petition #31-16 – Patricia Moncey – Re: 41 Oak Street to August 10, 2016. Ms. Kendrick seconded.

VOTE: (5-0-0)

III. CONTINUED PUBLIC HEARINGS

A. Petition #9-16 – Strategic Holdings – 83 Sandwich Road

It was stated the applicant has requested to withdraw the application without prejudice.

MOTION: A motion was made and seconded to withdraw the application per the request of the applicant without prejudice for Petition #9-16 – Strategic Holdings – 83 Sandwich Road .

VOTE: (5-0-0)

B. Petition #19-16 – J. Donegan Company – 2419 & 2427 Cranberry Highway & 4 Seth Tobey Road

Present before the Board: Pat Smith, Bohler Engineering
J. Donegan, J. Donegan
Shaw Kelly, Vanasse and Associates
Charlie Rowley, Review Engineer

It was stated at the last meeting, the applicant was asked to consider a dedicated right hand turn lane. The applicant now has a list of proposed conditions prepared. The applicant described the right hand turn lane. The representatives stated their opinions and they are still waiting to hear back from MASSDOT concerning the right hand turn lane.

Mr. Rowley briefly reviewed his review letter and his only request is that the mulch in the rear of the building be turned to concrete due to the food and garbage handling that will be done. He also recommended re-considering the placement of the signs.

Present before the Board: David Beluchi

Mr. Beluchi discussed his previous concern, being the width of the left turn lanes (11' and 10'). The Board decided they cannot add footage to that lane without taking from another. Mr. Beluchi also requested the applicant put in a yield sign turning onto Tobey Road from Rte. 28. The applicant agreed to install a yield sign.

Mr. Elkallassi stated they will vote to approve the project this week and will vote on the conditions at the next hearing.

MOTION: Mr. Eacobacci moved to close the public hearing for Petition #19-16 – J. Donegan Company – 2419 & 2427 Cranberry Highway & 4 Seth Tobey Road. Mr. Baptiste seconded.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moved to approve the plan submitted for Petition #19-16 – J. Donegan Company – 2419 & 2427 Cranberry Highway & 4 Seth Tobey Road subject to a mutual agreement of the conditions to be voted upon on August 10, 2016 and further, to include that the signs on the property be subject to further review, the mulch at the loading dock be changed to concrete, and to await the response from MassDOT concerning the right turn lane and the yield sign on Tobey Road. Mr. Baptiste seconded.

VOTE: (5-0-0)

C. Petition #26-16 –Solbright Renewable Energy, LLC – 0 Squirrel Island Road

Present before the Board: Robert & Margaret Perry, Owners
Andrew Streit, Solbright Renewable Energy, LLC

Cal Goldsmith,
Charlie Rowley, Review Engineer

It was stated after a site walk to determine the wetlands, the wetland line did change minimally which caused a slight change in the layout, but it is still outside of the 50' do not disturb zone.

Mr. Rowley stated his only concern is with the steep slope. The applicant has agreed to loam and seed the slope and cover it with a slope burlap material which will prevent erosion. The applicant has a screening plan in place and will install 8' rubber coated black chain link fence.

Discussion ensued. It was discovered that two abutters were not notified of the project.

MOTION: Mr. Eacobacci moved to close the public hearing for Petition #26-16 – Solbright Renewable Energy, LLC – 0 Squirrel Island Road. Ms. Kendrick seconded.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moved to grant a Special Permit for Petition #26-16 - Solbright Renewable Energy LLC -0 Squirrel Island Road with conditions to be filed w/ the decision, & further the petition file to contain affidavits of notice to the abutters. Mr. Baptiste seconded.

VOTE: (5-0-0)

D. Petition #27-16 – Boone Ferri – 3127 Cranberry Highway

Present before the Board: Boone Ferri

Mr. Ferri stated he is looking to apply for a Class II license in order to sell car/truck trailers for transporting equipment. He is not interested in selling cars and would be amiable to that being a condition.

Mr. Elkallassi expressed concern that Mr. Ferri may need to go for Site Plan Review with the Planning Board. Mr. Eacobacci suggested modifying the plan to show if there is a spill in any area on the site & how it would be detained. Mr. Elkallassi suggested possibly giving Mr. Ferri three years to begin his business and then come back in three years with plans to improve the property.

MOTION: Mr. Eacobacci moved to continue the public hearing for Petition #27-16 – Boone Ferri – 3127 Cranberry Highway to August 10, 2016. Mr. Baptiste seconded.

VOTE: (5-0-0)

IV. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Correspondence

1. See correspondence sent via email and/or in packets.

NOTE: Present before the Board: Linda Dusou

Ms. Dusou stated her neighbors have built a home that encroaches massively on her property. Brief discussion ensued.

B. Upcoming Hearings

August 10, 2016	Petition #32-16	Alternate Power & Energy	418 County Road
August 10, 2016	Petition #33-16	Douglas Bourgault (d/b/a Cape & Islands Tire	3057 Cranberry Highway

- V. NEW BUSINESS** (This time is reserved for topics that the Chairman did not reasonably anticipate.

III. ADJOURNMENT

MOTION: Mr. Eacobacci moved to adjourn the meeting. Ms. Kendrick seconded.

VOTE: (5-0-0)

Date signed: _____

Attest: _____

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____